

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - August 13, 1969

Appeal No. 10144 Stanton Gardens Section IV, Inc., appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on September 22, 1969.

EFFECTIVE DATE OF ORDER - July 16, 1970

ORDERED:

That the appeal for permission to construct groups of single-family dwellings, flats or apartments with division walls from the ground up to be deemed single buildings and for variance from the FAR, side yard, lot occupancy requirements of Section 3307 and variance of story limitation of R-5-A District and permission to locate parking in front of buildings, said group of buildings to meet overall requirements of FAR and lot occupancy for the R-5-A District near 2645 Sayles Place, SE. and portion of public alley to be closed, Lots 49-56, 60-70, 885, 887-890, 942, 943, 962, 964, 970, 940, 958, 971, Square 5872, be granted.

FINDINGS OF FACT:

1. The three sites in question are all located in an R-5-A District, and the overall development, as well as each of the three sites, fall within the FAR and lot occupancy requirements of the R-5-A District. Specifically, the overall development will have an FAR of .73 and a lot occupancy of .20.

2. Appellant proposes to develop this property with a 114 unit garden type apartment structure consisting of groups of single-family dwellings, and flats with division walls from the ground up to be deemed single buildings with parking in front of the building on three (3) of the sites.

3. All story limitations comply with conventional R-5-A District requirements except for the variance from story limitations for Building 1 because it must technically front on Pomeroy Place. The height of the building is less than 40 feet, but the number of stories is technically 4.

4. To a large extent, there is compliance with the more restrictive provisions of Section 3307.

5. Appellant has submitted topographical surveys for the site showing the extreme, difficult topography of the property and a series of cross-sections showing the effect of the topography on the design of the buildings.

6. Appellant has also submitted a series of Orders of this Board in which relief from FAR, lot occupancy and side yard requirements together with parking relief was granted in the general area by reason of the exceptional topographical conditions.

7. No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

From the records and the evidence adduced at the hearing, the Board concludes that the appellant has proven that the strict application of the provisions of Section 3307 would create an exceptional and undue hardship within the provisions of Section 8207.11 by reason of the exceptional topographical and other conditions of the property.

The Board also concludes under the provisions of Section 7205.3 that the unusual topography and grades of the property render it impracticable to locate parking spaces in accordance with the provisions of Section 7205.1.

In view of the above, it is the opinion of the Board that this relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is also our opinion that a denial of this request would result in peculiar and exceptional practical difficulties and undue hardship upon the owner of the property.

Appeal No. 10144
July 16, 1970
PAGE 3

OPINION (Cont'd)

This Order shall be subject to the following conditions:

- (a) All areas devoted to driveways, access lanes and parking areas shall be paved with materials which form an all-weather impervious surface.
- (b) Any lighting used to illuminate the parking area shall be so arranged that all direct rays of such lighting are confined to the surface of the parking area.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: _____



PATRICK E. KELLY
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.